

House File 2258 - Introduced

HOUSE FILE 2258

BY VAN ENGELENHOVEN

A BILL FOR

- 1 An Act allowing the use of an interactive video
- 2 teleconferencing system in involuntary commitment hearings
- 3 for chronic substance abusers and mentally ill persons.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 125.82, subsection 4, Code 2009, is
2 amended to read as follows:

3 4. The respondent's welfare is paramount, and the hearing
4 shall be tried as a civil matter and conducted in as informal
5 a manner as is consistent with orderly procedure, which may
6 include the use of an interactive video teleconferencing system
7 consistent with standards adopted by rule by the supreme
8 court. Discovery as permitted under the Iowa rules of civil
9 procedure is available to the respondent. The court shall
10 receive all relevant and material evidence, but the court is
11 not bound by the rules of evidence. A presumption in favor of
12 the respondent exists, and the burden of evidence and support
13 of the contentions made in the application shall be upon the
14 person who filed the application. If upon completion of the
15 hearing the court finds that the contention that the respondent
16 is a chronic substance abuser has not been sustained by clear
17 and convincing evidence, the court shall deny the application
18 and terminate the proceeding.

19 Sec. 2. Section 229.12, subsection 3, paragraph a, Code
20 Supplement 2009, is amended to read as follows:

21 a. The respondent's welfare shall be paramount and the
22 hearing shall be tried as a civil matter and conducted in as
23 informal a manner as may be consistent with orderly procedure,
24 ~~but consistent therewith the issue shall be tried as a civil~~
25 ~~matter~~ which may include the use of an interactive video
26 teleconferencing system consistent with standards adopted by
27 rule by the supreme court. Such discovery as is permitted
28 under the Iowa rules of civil procedure shall be available
29 to the respondent. The court shall receive all relevant and
30 material evidence which may be offered and need not be bound
31 by the rules of evidence. There shall be a presumption in
32 favor of the respondent, and the burden of evidence in support
33 of the contentions made in the application shall be upon the
34 applicant.

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EXPLANATION

2 This bill allows the use of an interactive video
3 teleconferencing system in involuntary commitment hearings for
4 chronic substance abusers and mentally ill persons subject to
5 standards adopted by rule by the Iowa supreme court.